



Town of Vienna

Charles A. Robinson Jr. Town
Hall
127 Center Street South
Vienna VA, 22180

Meeting Minutes Town Council Work Session

Monday, November 9, 2015

8:00 PM

Charles A. Robinson, Jr. Town Hall, 127
Center Street, South

Work Session

1. Regular Business

*Present: Mayor Laurie A. DiRocco
Councilwoman Linda J. Colbert
Councilwoman Edythe Frankel Kelleher
Councilman Pasha M. Majdi
Councilwoman Carey J. Sienicki
Councilman Howard J. Springsteen
Councilwoman Tara L. Voigt*

*Also present: Senator Chap Petersen, 34th District
Delegate Mark Keam, 35th District
Mercury T. Payton, Town Manager
Steve Briglia, Town Attorney
Dennis Johnson, Director of Public Works
Patrick Mulhern, Director of Planning and Zoning
Hyojung Garland, Deputy Director of Planning and Zoning
Michael D'Orazio, Planner
Leon Evans, Community Center Manager
Brad Macomber, Construction Project Manager
Carol S. Waters, Deputy Town Clerk*

Proposed 2016 Legislative Agenda

Town Manager Mercury Payton welcomed Senator Chap Petersen and Delegate Mark Keam, thanked them for attending, and reviewed the evening's work session agenda. Town Attorney Steve Briglia noted that the 2016 Legislative Agenda presented for review this evening was a draft, and there had not been a public hearing held on it yet. The list of fifteen proposed items had been updated with input from the previous Council work session of October 26, 2015. Senator Petersen, Delegate Keam, Mr. Briglia, and the Town Council discussed each of the proposed items, one by one, in order to choose which ones would be most worthwhile to sponsor in the General Assembly next year.

Delegate Keam and Senator Petersen reported that Legislative Day in Richmond, Virginia would be on January 27, 2016 and the Council was welcome to attend. They also made plans to hold a Town Hall Meeting on Saturday, January 23, 2016 here in the Council Chambers, so that it may be televised.

Recommendations: The Town Attorney will finalize the list of legislative requests and a public hearing will be scheduled for the Regular Council Meeting of November 16, 2015.

Discussion of Roofline Lighting

Mayor DiRocco invited members of the Board of Architectural Review (BAR) in attendance to join the Town Council and staff at the tables set up for discussion in the council chambers. Patrick Mulhern, Director of Planning and Zoning, recounted that in May of 2015, the Village Green Shopping Center's owner had made a request to the BAR for roofline lighting on their shops. The BAR had discussed different lighting schemes, whether it was seasonal or not, and during the summer they had noticed other buildings in Town with extensive lighting which had never been reviewed and approved by the BAR. Consequently, the BAR had asked staff to inventory and photograph roofline lighting throughout the entire Town, and to encourage those who had not submitted for approval to submit. Mr. Mulhern reported that a couple of them have requested approval since then. Before reviewing those, the BAR requested a joint meeting with Council to get a sense of what is and what is not in good taste and consistent with the Town's objectives.

Deputy Director of Planning and Zoning Hyojung Garland presented a general overview of lighting options, displayed photos of what currently exists in Vienna, some benchmarks and examples from other jurisdictions, and offered pros and cons. She went over various considerations for roofline lighting such as soft white versus cool white, seasonal displays, holiday ambiance, color, keeping lights maintained if bulbs go out, amount of energy consumption, and programmable flashing, which can appear garish and gaudy. On the pro side of roofline lighting is the accent of architectural elements; after the sun goes down you can see some of the special features of the architecture, like the cornice line or the roof line, or maybe a marquee sign type of thing. Mrs. Garland also noted that LED lights have a long life and are more economical. On the con side of roofline lighting is recognizing the maintenance responsibility if some of the light bulbs malfunction, and of course the possibility of neon or programmable strip lights being garish and gaudy or generally in contrast to the surrounding area. Mrs. Garland noted that an alternative way to accomplish this night time lighting could be ground mounted lighting or flood lighting.

BAR Chairperson Paul Layer mentioned seeing more lights in use, and more of the programmable lights. He added that linear lights have a neon type effect and that the BAR decided to look at these usages on an individual basis, give them more thought, and to consider whether they are harmonious with their neighbors. Mayor DiRocco expressed agreement with that line of thinking.

Laine Hyde, BAR Commissioner, pointed out that one of the overriding constants in the over fifteen years of discussions on the Maple Avenue Corridor Zoning Ordinance (MAC) was distinguishing Vienna from its neighbors. In her mind, she said, as we have had these various applications come before the BAR, it is taking us, within one year of adopting the MAC zone, someplace that we consciously, intentionally did not want to go. And as Paul Layer said, one building with roofline lighting could look fantastic, but the building next to it, which has a completely different roofline, might not. MAC applications are already coming in to the BAR, Ms. Hyde continued. The little string of lights which have been on the roof of the Vienna Inn "forever" like part of the building may lose its appeal if it's on every business on Maple Avenue, especially as the technology changes. Ms. Hyde reiterated that the Town may be stepping away from the core concept of MAC, which is that Vienna is a separate, different place, not an extension of Route 7 or Route 123. Mayor DiRocco agreed that strips of lights and flashing lights are not something the Town has ever looked at or considered.

BAR Commissioner Dale Sawaya expressed agreement with everything that had been said thus far. She added that it is the advent of LED lighting that is driving this because a business owner can put up LED lights and not have to worry about them for a long time. She told of a person who came before the BAR and mentioned Labor Day as a seasonal event. If Labor Day is a seasonal lighting event, she said, then all year long there will be seasonal lighting events, with different colors at different times of year. Ms. Sawaya stated that the very idea of lights flashing and moving in a pattern worries her, as does the idea of different colored lights, as does the idea of different lights on multiple buildings; it runs the risk of being a hodge-podge no matter how you do it. Furthermore she asked what the muscle would be and what the response would be when businesses put up lights without going before the BAR.

Councilman Howard Springsteen suggested that it would be useful to see what Falls Church, Herndon, and other local places are doing about it. He agreed with the Mayor that he doesn't want to come down Route 123 and see lights on everything. He added that it can get very gaudy, and asked, once you let one go, where do you draw the line?

The Mayor said she thinks she does agree, because when you think of the Town you don't think of those types of lights. You think of a town center or a town square having all those kinds of lights, not a town which would usually have street lights and maybe some lights from the businesses or illuminating lights which seem more appropriate for the look of Vienna.

Councilwoman Linda Colbert remarked that part of the charm of Vienna is the Vienna Inn and their roofline lights, and she doesn't think it would be all down Maple Avenue. She suggested that the Town could set rules about strips that start to look like neon, but she does not think that a bank or lawyer's or doctor's office would put up lights. Councilwoman Colbert said that she would hate to be so controlling that we don't allow for some fun, and noted how lights show some of the architecture.

Patrick Mulhern noted that the Vienna Inn's lights would be grandfathered. However, he indicated that those businesses which had recently added lights without permission would be required to get them approved.

BAR Commissioner Paul Layer indicated that if the Town wants to encourage a certain type of Town imagery, then it's not the lights you string on the parapet, but rather the parapet itself. In other words, what matters are the architectural elements, and the Town needs to give this some thought because if it just goes unchecked, it becomes more and more random and less likely that the results will be what you have in mind.

BAR Commissioner Mike Cheselka discussed how, because of the technology, everyone will ramp it up; go one more notch, so at the flick of a switch you could have neon lights going around, or flashing lights, or rhythm lights. He suggested that the Town needs some kind of rules or it will get out of hand. He said that we need parameters to guide people; otherwise, if the BAR turns them down they will go straight to Council to ask permission.

Town Attorney Steve Briglia said he thinks, with our BAR what you cannot do is dictate the particular architectural style, but he does not think that the trace lighting is an architectural style. So, he said he thinks it's like signage. Laine Hyde agreed that it is like signage, saying, "Normally we have considered it as part and parcel to signage packages."

Mr. Briglia discussed that it has been a common thread in our BAR that when we are looking at the architectural style and the lighting, and signage, it's a balance between getting the business' name out there without trying to out-do the surrounding businesses; and so when the lighting and the architectural features become part of the advertising of the business, then that is where the BAR generally has asked the business to pull that back.

Mr. Briglia summarized that it sounds like Council would want to develop some code amendments to give businesses guidance. Legislative controls could address the difference between seasonal lighting and permanent lighting, and staying within certain ranges of color.

Councilwoman Carey Sienicki remarked that she does not really oppose the tasteful outline of buildings in the Vienna market place, because that does enhance a restaurant so that it is more inviting. She observed that winter time, when it gets dark earlier, is really the major impact time. Councilwoman Sienicki also cautioned that the Town should watch out for the LED strip lights that were proposed for the Village Green Shopping Center because those could be programmed to have all sorts of lights and colors; not just flashing, but possibly waves of colors and patterns, changing colors, and so on. She pointed out that it could be a distraction for drivers.

Mayor Laurie DiRocco offered her opinion that there are appropriate places for different types of lighting. She also said that the Town needs to be thoughtful, and that they all know this from other instances. Mayor DiRocco expressed her hope that the MAC Ordinance would promote interesting architecture through the architectural process, not through lighting; lights should not be the main focus. Mayor DiRocco proposed that perhaps roof line lighting should be prohibited except for certain exceptions, or maybe if it is part of an approved sign package. However, she noted that if we accept for one, we need to be clear. She remarked that the Town might possibly prohibit first and then give the exceptions of what could be acceptable. She asked how that could be differentiated and kept consistent while offering guidance.

Councilwoman Tara Voigt suggested that perhaps the lighting could be prohibited unless it was part of an approved sign or sign structure. So, as part of the process for permitting, considerations for approval could include what they come forward with, how many are there in a row, what are the architectural features of the building, and what are the features that might be highlighted. Mayor DiRocco responded, "You're saying, prohibit, then allow exceptions; like, Potbelly looks nice, but if I thought of seeing lights all down Maple Avenue, it would not look attractive to me. That is just my personal opinion."

Paul Layer commented that that was more where he would like to go, rather than just outright restriction, it could be focused on the aspects of design and the aspects of accent. Mr. Layer remarked that the BAR's code basically looks at things from two aspects; one is aesthetics, as it relates to what is more unattractive than attractive, and one is harmony. So, being respectful towards your neighbor is sort of part of our code, he said; is this somehow so in opposition to your neighbor so as to be contradictory or conflictual? Mr. Layer added that another consideration is the idea of design quality, or the integration of the elements; the harmony of the elements on the building. Mr. Layer later remarked that a lot of what the BAR does is to set precedents.

Laine Hyde raised another point, which was that one of the underlying issues of the

MAC process was the effect on neighborhoods. If a 54 foot building with a two story building across the street with neighborhoods behind it is outlined in lights, then there could be a possible light spill- over into neighborhoods. Tara Voigt agreed that it was a good point, if taller buildings have roof-line lighting, because most of the buildings currently are under the tree line. Mr. Mulhern assured that there is a check and balance in place because the Town reviews the Architectural plans, so if there were BAR approved plans for lighting, they would be able to look at that.

Mr. Mulhern brought up a point about seasonal lighting. He suggested that the winter holidays have traditionally been an accepted season to go a little over the top. Businesses have told him that they make a high percentage of their annual profits between October and the end of the year. So, he told Council that they might want to consider something exceptional just for that season. Mr. Mulhern expressed his support for "Whatever we can do to help our retailers do more business during the holiday season," during this time of year that some businesses make most of their profits, and other towns in the area allow them to do special seasonal lighting to attract customers.

Councilwoman Kelleher agreed with the Zoning Director's point on the holiday sales season being important for businesses to compete. She also mentioned being aware of the possibility of "one-upmanship." Councilwoman Kelleher commented that in her opinion, the high lighting of the architectural features and trying to make things a little more special does help the businesses stand out, if everybody is doing it.

Councilwoman Voigt suggested putting a time frame on holiday decorations times, like maybe November 1 until January 15. It was asked if this would cause the zoning office an enormous amount of unusual work to monitor and enforce this kind of stuff, and Mr. Mulhern answered that yes, there would be an enforcement component. It was further discussed that there could be times when the weather would be too bad to get up on the roof to take lights down, for instance if they were frozen to the roof line.

Mayor DiRocco summarized some of the group's conclusions: no programmable lights, standard color and intensity, clarifying the timeframe for the holiday season. Mr. Layer added that the BAR is very vigilant when it comes to intensity of light.

Councilwoman Sienicki voiced approved of what was suggested about sustainability; she noted if we go with LED, you can also specify a lower wattage, similar to what Leesburg does; and so you don't have a huge light that is a problem with the neighbors. If it's something very low light if you're going to wrap something around, and then it's also sustainable too, so we are not encouraging heavy energy use and things like that; and that maintenance is less of an issue, too.

Councilman Pasha Majdi said that he liked all those ideas. Whatever specifics of the code provisions that are put forth, he suggested, he thinks that there should also be a sunset provision. He observed that these issues involve what is going to happen in the future, and there's a lot of worry about what's going to happen with the new MAC. Since there is new technology and we don't know how that's going to go, it would be worthwhile to reconsider these regulations in perhaps five or ten years. The Mayor remarked that any future Council could choose to make changes as things happen.

Mr. Mulhern said that what he was hearing was that we want to allow for being festive and fun but not let it tip over to gaudy and tacky; certainly no programmable neon lights, we know we don't want flashing lights, no moving lights or different colors, we do need to keep the MAC in mind, I agree 100% particularly on the

roofline, but the Mac was designed to have active streets and mixed use. It was to bring life to the Town and the street as well as additional density and re-development that is tastefully done. Mr. Mulhern continued to say that we do need to codify this, probably in an ordinance, or at least guidelines; maybe guidelines are the way to go to give the BAR the flexibility that we were talking about.

Mayor DiRocco suggested that the Zoning Director and the Town Attorney could get together to put some code verbiage together, and then it could be put to the Planning Commission for feedback and comments. Afterwards, it could come before Council and we would be updating the code. The Mayor added that staff may want to check on other areas that are more like Towns, such as Town of Herndon, City of Fairfax, Falls Church, Old Town Alexandria, and Leesburg.

The Director of Planning and Zoning noted that a lot of regulations related to signage and lighting focus on that "less is more" principle because if you have competing signs, all of a sudden they all get lost. The good designers integrate their signage for the building and the lighting and the outdoor plaza areas. It's all integrated in a cohesive design and that is what you like to see. And sometimes you have to say it's a bit too much.

Recommendations: Staff will evaluate how other similar jurisdictions are handling these issues. The Town Attorney and the Director of Planning and Zoning will work on code verbiage.

Community Center Renovation Monthly Update

Mr. Payton reported that Mr. Leon Evans, Vienna Community Center Manager, and Mr. Brad Macomber, Vienna Community Center Construction Project Manager, had been ready to present the monthly Community Center Renovation Update for the public earlier this evening at 6:30 p.m. but no one attended this time.

Mr. Payton noted that the School Board had approved an easement the previous week, which was very positive for the Town, and that it would be on the agenda for November 16th, next Monday, for Council's consideration for approval.

Mr. Leon Evans informed the group that he was substituting for the Parks and Recreation Director, Mrs. Leslie Herman. He pointed out the slide show running on the monitors, of pictures from before and after demolition had begun within the Community Center building. They had been ripping up floors and ceilings and taking out fixtures. Mr. Evans noted that Lukmire Partners was the architectural company, the Town had gone out to bid, and Keller Brothers, Town Staff, and Lukmire had been working together in weekly meetings to make sure that everything was in place. At this point in time, Mr. Evans said, the easement had been secured so that sanitation lines on the North side of the building could be started.

Councilman Majdi asked whether the fees associated with the easement had been waived. Mr. Payton answered that no, the fees had not been waived, and it had been approved by the School Board by a vote of 5 to 4. Discussion on that topic ensued between Council Members and the Town Manager.

Mr. Evans continued his report on the progress of the Community Center, saying that they were in the process of getting written permissions as well as easements. He said that as those came in, they would be able to start moving a little faster on the construction itself, especially with putting in the sanitary pipes and lines, fire hydrants, storm drainage and storm water pipes, and putting in footings. As of this

point, Mr. Evans stated that they were still on schedule and had not received any change orders to date. They are looking at the beginning of 2017 for completion of the building. Mr. Evans remarked that Mr. Macomber had been doing a great job, and had also been working with the director of finance and revenue in regards to the pay schedule.

Mayor DiRocco suggested reaching out more to let people know that there would be regular updates on the Community Center renovation, and putting it in as many media outlets as possible. She commented that the monthly updates are a great forum for the community to get their questions answered, become informed, get feedback and find out what's happening as the process continues.

2. Meeting Adjournment

The Town Council Work Session of November 9, 2015 adjourned at 10:21 p.m.

Mayor Laurie A. DiRocco

Signed / Dated: _____

Attest: _____
Deputy Town Clerk

THE TOWN OF VIENNA IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT STANDARDS. TRANSLATION SERVICES, ASSISTANCE OR ACCOMMODATION REQUESTS FROM PERSONS WITH DISABILITIES ARE TO BE REQUESTED NOT LESS THAN 3 WORKING DAYS BEFORE THE DAY OF THE EVENT. PLEASE CALL (703) 255-6304, OR 711 VIRGINIA RELAY SERVICE FOR THE HEARING IMPAIRED.